



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982



**LETTER OF DEFICIENCY
#SP-2002-03**

April 17, 2002

Lorraine Olson Family Trust
13 Lord Hill Rd
Rindge, NH 03461

RE: DES Wetlands File #2002-00402 Birch Dr, Rindge

Dear Sir or Madam:

On April 4, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, identified as Rindge Tax Map 7, Lot 26-15, Birch Drive, Rindge, New Hampshire (the "Property"). The purpose of this site inspection was to determine compliance with RSA 483-B, The Comprehensive Shoreland Protection Act ("CSPA"). During the inspection the following deficiencies were noted:

1. Within the natural woodland buffer of the protected shoreland, a healthy, well-distributed stand of trees, saplings, shrubs and ground covers was not left in place.
2. It appears that fill extensions for the recently constructed septic system exceed the approved plan. Fill has impacted several of the trees that were left on the property.

It was observed that much of the natural woodland buffer on your property has recently been removed. The CSPA does allow for limited removal of trees for the purpose of construction; this area is referred to as the "building envelope" (please refer to Env-Ws 1403.03 "Opening for Building Construction"). The allowable "building envelope" extends 25 feet from the building foundation footprint. Clearing for the purpose of a septic system is also allowed, but within the protected shoreland woodland buffer, clearing and placement of fill is limited to that shown on the approved plan.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. The restoration plan should include provisions for removal of fill, particularly from around the base of trees, and to be consistent with the septic design plan approved by DES. Additionally, the restoration plan should show revegetation of the areas where fill is removed and the area within 50 feet of Emerson Pond. The following should be included with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 - i. existing conditions,
 - ii. proposed conditions upon completion of the restoration
 - b. A detailed description of the proposed means of erosion and sedimentation control and stabilization of the restoration area.
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area. The planting plan should specify the number, type of plant species, and proposed location of plantings. Saplings should be a minimum of 4-6 feet in height and all plantings should be from the list of "Native and Naturalized Shoreland Plantings for New Hampshire".
 - d. A description of the proposed construction sequence and methods for accomplishing the restoration, and timeframe for completion.
2. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Allyson Gourley, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Enclosed, for your information, are copies of fact sheets explaining the Comprehensive Shoreland Protection Act, a copy of the Act, administrative rules Env-Ws 1400, a guide to restoration of shoreland property, guidelines to the revegetation of shoreland property, and proper installation and maintenance of erosion control measures. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Allyson Gourley or myself at (603) 271-2147.

Sincerely,

COPY

Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL #7099 3400 0003 0689 5317

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Rindge Conservation Commission
Rindge Board of Selectmen